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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.)	
)	Case No.
Plaintiffs)	
)	DECLARATION OF DR. MARK
v.)	BASKERVILLE IN SUPPORT OF PETITION
)	FOR TEMPORARY RESTRAINING ORDER
CITY OF PORTLAND, a municipal corporation,)	
)	
Defendant.)	
)	
)	
)	
)	

I, Mark J. Baskerville, declare under penalty of perjury as follows:

1. I am a licensed medical doctor in the state of Oregon, with 19 years of active medical practice. I am a quadruple board-certified physician in the specialties of critical care, emergency medicine, anesthesiology, and addiction medicine. I work full-time as an attending intensivist in the multidisciplinary intensive care units at the OHSU hospital and teach in the medical school. I hold the faculty rank of associate professor in the department of anesthesiology and perioperative medicine. See the attached curriculum vitae for further experiences and qualifications.

2. As a critical care physician, I treat patients with COVID-19 and keep continuously informed of the rapidly developing knowledge of SARS-CoV-2 virus and its impact on humans. I review the latest updates on evaluation and treatment every day. This is a novel virus for which there is no cure and no vaccine. Although the virus seems to affect most organ systems, it has a particular affinity for the lungs. In fact, it tends to ravage the lungs, especially those with underlying pulmonary conditions. A COVID-19 pneumonia can rapidly progress to fulminant respiratory failure requiring mechanical ventilation, and in some instances, extracorporeal membrane oxygenation for refractory hypoxemia.

DECLARATION OF DR. MARK BASKERVILLE IN SUPPORT OF
PETITION FOR TEMPORARY RESTRAINING ORDER

3. As an emergency medicine physician, I have treated patients exposed to CS gas (o-chlorobenzylidene malononitrile), commonly known as tear gas. It is an airway irritant and secretagogue that typically causes intense coughing, sneezing, mucus production, and shortness of breath. In severe cases, it can result in a chemical pneumonitis. Individuals with underlying pulmonary conditions (e.g., asthma, bronchitis, emphysema, pneumonia, etc.) are at the greatest risk for complications from inhaling CS gas.

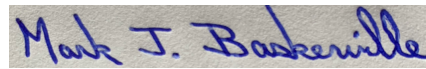
4. Most cases of COVID-19 do not require hospitalization. It typically manifests as a dry cough, shortness of breath, and fever. Supportive care is generally all that is required, especially in the young and healthy. That said, the margin of pulmonary reserve seems to be narrow even in these seemingly healthy individuals, and much worse in those with underlying pulmonary conditions, including smoking. It does not seem to take much to tip a COVID-19 patient over the edge from a stable viral pneumonia to rapidly progressive respiratory failure. Certainly, CS gas could easily be a trigger for pulmonary decompensation, especially in those with reactive airways from COVID-19 and/or pre-existing asthma. Moreover, a COVID-19 pneumonia is characterized by pulmonary inflammation, both directly from the virus and indirectly by an exaggerated immune response. The additional airway inflammation provoked by CS gas adds insult to injury.

5. I've heard it said that it was irresponsible for the police to use tear gas during the COVID-19 pandemic. I would suggest that it was much more than irresponsibility – at least negligence, and perhaps even gross negligence. Deliberately using a chemical agent that targets the respiratory track of individuals, some of which were undoubtedly infected with SARS-CoV-2, is by definition the reckless disregard to human health and public safety. Even in asymptomatic individuals, the violent coughing and sneezing caused by the CS gas could aerosolize the virus throughout the immediate crowd and potentially infect many others. And, those individuals with stable pulmonary symptoms could easily be tipped over to unstable pulmonary decompensation, which in some individuals can lead to fulminant respiratory failure and death. Finally, we in the medical community can only speculate to the long-term

pulmonary complications of COVID-19, but whatever the effect, the chemical injury caused by CS gas can only aggravate it further.

6. **Opinion:** The use of CS gas as a means of crowd control during the COVID-19 pandemic infected some and harmed others. Those in the direct vicinity of a violent cough or sneeze containing SARS-CoV-2 were at a high risk for contracting COVID-19, and those with underlying pulmonary conditions, including COVID-19, were at a similarly high risk for worsening of their disease.

DATED this 8th day of June, 2020.



Mark J. Baskerville, MD



Mark J. Baskerville MD, JD, MBA, MA

20131 Archie Briggs Road

Bend, Oregon 97703

baskervi@ohsu.edu

Professional Experience

Oregon Health and Science University
Anesthesiology and Perioperative Medicine
Associate Professor

August 2013 → Present

- Knight Cardiovascular Institute CVICU Attending Intensivist
- OHSU Neuroscience NSICU Attending Intensivist
- Critical Care Telemedicine Team
- OHSU Ethics Committee and Consultation Team
- OHSU School of Medicine Admissions Committee
- OHSU UME Curriculum Committee
- CVICU Director of Medical Student Education
- UME Multidisciplinary / Rural Clerkships Director
- UME Medical Student Progress Board Member
- LCME Accreditation Steering Committee
- Clinical Performance Examination (CPX) Developer
- UME Qualified Competency Assessor
- Principles of Clinical Medicine Facilitator
- Clinical Skills Lab Substitute Instructor
- UME *Your MD* Curriculum Transformation Team
- UME Scholarly Projects Concentration Lead
- OHSU Educators Collaborative
- Interprofessional Education Initiative Faculty Facilitator
- OHSU Education Scholars Program Mentor
- SCITT and Critical Events Team Trainer
- OHSU Critical Incident Stress Debrief Team
- Center for Ethics in Healthcare
- Crisis Care Community Ethics Task Force
- OHSU School of Medicine MMI Interviewer
- ABAM Fellowship and Addiction Medicine Faculty
- MOCA and APOM Resident Simulation Instructor
- OHSU School of Medicine Preceptor
- ICU Best Practices Committee
- ACLS Instructor

Oregon Health and Science University
Anesthesiology and Perioperative Medicine
Simulation and Clinical Learning Center Instructor

May 2010 → Present

Johns Hopkins University School of Medicine
Department of Anesthesiology and Critical Care
Faculty: Clinical Associate

December 2004 → August 2008

Northwest Anesthesia Physicians, PC
Sacred Heart Medical Center
Cardiac & General Anesthesiologist

June 2002 → January 2008

Oregon Health and Science University
Department of Anesthesiology
Clinical Assistant Professor

February 2005 → December 2006

Union Memorial Hospital
Department of Emergency Medicine
Attending Physician

January 2000 → December 2001

Johns Hopkins University School of Medicine
Department of Anesthesiology and Critical Care
Instructor

July 2000 → June 2002

University of Gabarone
Botswana, Africa
Visiting Clinical Instructor

March 2000 → May 2000

Specialty Board Credentials

American Board of Anesthesiology

Diplomat # 33923

initial: 04/27/01 recert: 11/01/12 expires: 12/31/22

American Board of Emergency Medicine

Diplomat # 27589

initial: 10/30/00 recert: 08/30/11 + 12/31/19 exp: 12/31/29

ABA Critical Care Subspecialty

Diplomat # 33923

initial: 09/07/13 expires: 12/31/23

American Board of Addiction Medicine

Diplomat # 2012046

initial: 12/15/12 expires: 12/31/22

American Board of Preventive Medicine initial: 01/01/19 expires: 12/31/28

Diplomat # 61-2480

Certifications

ENLS Provider	April 2020
ACLS Instructor	February 2020
ACLS / BLS Provider	February 2020
ATLS Provider	September 2012
PALS Provider	May 2013
AHA Newborn Resuscitation	August 1999
USMLE (232 / 223 / 222)	May 1996

Professional Development & Service

American Board of Anesthesiology - Advanced Exam Question Writer & Editor
 National Board of Medical Examiners – Step 2 CK Standard Setting Panel (February 2018)
 National Board of Medical Examiners - 2018 NBME Invitational Conference for Educators
 Oregon Medical Board - Consultant

Proficiencies

Echocardiography (TTE & TEE)
 FAST for trauma and acute illness
 Extra-Corporeal Life Support (ECMO)
 Pacemaker management and interrogation
 Fiberoptic Bronchoscopy & Advanced Airway Management
 Intra-Aortic Balloon Pump management
 Critical Events Team Training
 Medical Error Root Cause Analysis
 DATA 2000 Waiver Training
 Ethics Consultations
 Telemedicine / eICU

Residencies

Anesthesiology ABA certification #33923 Johns Hopkins Hospital Baltimore, Maryland	July 1996 → June 2000
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Emergency Medicine ABEM certification #990090 Johns Hopkins Hospital Baltimore, Maryland	July 1995 → June 1999
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Fellowships

Critical Care Medicine Oregon Health & Science University Portland, Oregon	July 2012 → June 2013
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Graduate Education

Johns Hopkins University School of Medicine
Flex-Med Early Decision
MD conferred May 1995

September 1991 → May 1995

OHSU-PSU School of Business
Healthcare Administration
MBA conferred December 2011

January 2009 → December 2011

Willamette University College of Law
Certificate in Business Law
JD conferred May 2012

August 2009 → May 2012

Loyola University Chicago
Bioethics and Health Policy
MA conferred June 2016

June 2014 → June 2016

Undergraduate Education

University of Wisconsin at Madison
Bachelor of Science Honors Degree conferred May 1991
Triple Major: Biochemistry / Psychology / Molecular Biology
Senior Honors Thesis
Delta Upsilon
Phi Beta Kappa

Fort Atkinson Senior High School
Diploma conferred June 1987
Valedictorian

Research & Scholarly Contributions

Ha, J.H., Capp, M.W., Baskerville, M., Hohenwalter, M., and Record, M.T.
Thermodynamic Stoichiometries of Participation of Water, Cations, and Anions in
Specific and Nonspecific Binding of LAC Repressor to DNA -- Possible Thermodynamic
Origins of the Glutamate Effect on Protein-DNA Interactions. *Journal of Molecular Biology*,
228(1): 252-264, 1992.

Hexter, D., Kelen, G.D., Hanson, K., Humes, R., Vigilance, P., Baskerville, M.J., Quinn, T.
Feasibility of an Emergency Department-Based Risk Targeted Voluntary HIV Screening
Program. *Annals of Emergency Medicine*, 27(6): 687-692, 1996.

Beaudreau, R.W., Green, G.B., Chan, D., Baskerville, M.J., Grausz, H., Kelen, G.D.
Comparison of CK-MB, Troponin T, and Simultaneous CK-MB/Troponin T Testing in
Evaluating Emergency Department Patients with Possible Myocardial Ischemia.
Academic Emergency Medicine, 1(2):A77, 1994.

Green, G.B., Beaudreau, R.W., Chan, D., Baskerville, M.J., Grausz, H., Kelen, G.D.
The Potential Clinical Utility of Troponin T for Risk Stratification of Emergency Department

Patients with Possible Myocardial Ischemia. *Academic Emergency Medicine*, 1(2):A4,1994.

Baskerville, M.J. "Legal Aspects of the Operating Room" *The Anesthesia Technician & Technologist's Manual*. Lippincott Williams & Wilkins (2012).

Baskerville MJ, Enomoto, TM. "Trauma Management in the ICU" *Residents' Guide to Learning in the Intensive Care Unit*. SOCCA (2014).

Baskerville MJ. "Employment Contracts: Due Diligence, Termination and Restrictive Covenants" In *Avoiding Common Anesthesia Errors – Second Edition* (C.Marcucci, M.Hutchens, N.Sandson, J.Kirsch, B.Gierl, eds), Philadelphia, PA: Wolters Kluwer. Submitted September 1, 2014.

Baskerville MJ. "Employment Contracts: Duties, Compensation and Benefits," In *Avoiding Common Anesthesia Errors – Second Edition* (C.Marcucci, M.Hutchens, N.Sandson, J.Kirsch, B.Gierl, eds), Philadelphia, PA: Wolters Kluwer. Submitted September 1, 2014.

Baskerville MJ. "Don't Fail to Recognize an Impaired Colleague," In *Avoiding Common Anesthesia Errors – Second Edition* (C.Marcucci, M.Hutchens, N.Sandson, J.Kirsch, B.Gierl, eds), Philadelphia, PA: Wolters Kluwer. Submitted September 1, 2014.

Baskerville MJ "Cardiac Tamponade" In *Essence of Anesthesia Practice – Fourth Edition* (L Fleisher, M Roizen), Philadelphia, PA: Elsevier Saunders. Submitted November 30, 2015.

Mayinger P, Myatt A, Silbert L, Nemecek E, Fromme E, Warden C, Baskerville M, Nelson H. Preparedness of pre-clinical medical students to plan and conduct a Scholarly Project. Accepted as poster presentation at the Association of American Medical Colleges' Western Group on Education Affairs 2016 Conference, April 2016, Tuscon AZ.

Baskerville MJ *The Anesthesia Education Toolbox*. Department of Anesthesiology and Perioperative Medicine. Oregon Health & Science University. 2016.

Ciporen J, Baskerville M, Noles M, et al. *Teamwork, Communication, and Leadership Development: a Unique ENT and Anesthesiology Simulation Experience*. Abstract presentation at the 17th International Meeting on Simulation in Healthcare. January 28 - 31, 2017.

Ciporen J, Baskerville M, Noles M, et al. *Crisis Management Simulation: Establishing a Dual Neurosurgery and Anesthesia Training Experience*. Abstract presentation at the 17th International Meeting on Simulation in Healthcare. January 28 - 31, 2017.

Nelson HD, Baskerville M, Silbert L, Mayinger P, Warden C, Fromme E, Nemecek E. Developing effective faculty mentors for student scholarly projects in the new MD curriculum. OHSU Symposium on Educational Excellence. April 14, 2017.

Engdall P, Perez Y, Bowen M, Mayhew K, Baskerville M. Social Determinants of Health Survey Prior to Clinical Visit: An Intervention to Improve Healthcare Delivery. OHSU Scholarly Projects Capstone, March 9, 2018.

Ciporen J, Gillham H, Noles M, Dillman D, Baskerville M, Haley C, Spight D, Turner RC, Lucke-Wold BP. Crisis Management Simulation: Establishing a Dual Neurosurgery and Anesthesia Training Experience. *J Neurosurg Anesthesiol* 2018 Jan; 30(1):65-70.

Baskerville, M.J. "Legal and Regulatory Issues" Chapter 65 *The Anesthesia Technologist's Manual*, 2e, Lippincott Williams & Wilkins (2018).

Calcagno HE, Lucke-Wold B, Noles M, Dillman D, Baskerville M, Spight D, Ciporen JN. Integrated Otolaryngology and Anesthesia Simulation Model for Crisis Management of Cavernous Carotid Artery Injury. *Archives of Neurology and Neuro Disorders* 2018; 1(1):30-41.

Calcagno H, Lucke-Wold B, Baskerville M, Cameron WE, Dillman D, Haley C, Noles M, Spight, D, Ciporen J. Integrated otolaryngology and anesthesiology simulation model for crisis management of cavernous carotid artery injury. OHSU Scholarly Projects Capstone, March 1, 2020.

Austin JP, Baskerville M, Haedinger L, Mitchell SH, Nonas S, Pohoata E, Rogers M, Spickerman M, Thuillier P, Bumsted T. Development and evaluation of a simulation-based transition to clerkship course. *Medical Education*

Cassera MA, Rozenfeld Y, Baskerville M, Massimino K. Impact of metastatic disease on overall Survival in neuroendocrine tumors of the pancreas: a national cancer database study. OHSU Scholarly Projects Capstone, March 6, 2020.

National Lectures

Grand Rounds: Department of Anesthesiology - *NYU Langone Medical Center*. July 20, 2011
 Grand Rounds: Anesthesiology and Perioperative Medicine - *OHSU* July 21, 2014
 Speaker: The National Association of Drug Diversion Investigators – Tacoma August 7, 2014
 Course Director: Emergency Rescue Techniques Simulation Workshop – Boise June 5, 2015
 Speaker: Department of Anesthesiology – *Kaiser Northwest* April 14, 2016
 Course Director: Emergency Rescue Techniques Conference – Coeur d'Alene Nov 12, 2016
 Speaker: The National Association of Drug Diversion Investigators – Portland May 4, 2017
 Grand Rounds: Department of Otolaryngology – *OHSU* October 2, 2017
 Speaker: Oregon Psychiatric Physicians Association - Brian Bus Lecture – March 14, 2020.

Professional Affiliations

Oregon Society of Critical Care Medicine
 Johns Hopkins Medical & Surgical Association
 American Medical Association
 American Society of Anesthesiologists
 American Health Lawyers Association
 American Bar Association
 Multnomah County Bar Association
 American College of Legal Medicine
 American Society of Law, Medicine & Ethics
 American Heart Association Instructor Network
 American Society of Addiction Medicine
 National Association of Drug Diversion Investigators
 American College of Academic Addiction Medicine
 American Thoracic Society
 Society of Critical Care Anesthesiologists

Society of Cardiovascular Anesthesiologists
Society of Critical Care Medicine
Oregon Trial Lawyers Association
Society for Simulation in Healthcare
Neurocritical Care Society
Cardio Renal Society of America
American Society for Bioethics and Humanities
National Center for Faculty Development and Diversity

Legal

Oregon State Bar #142006 admitted July 03, 2014

Oregon State Bar of Law Examiners - SLAC Member
Oregon State Bar of Law Examiners - QOL Committee Member
Oregon State Bar of Law Examiners - Character & Fitness Task Force

American College of Legal Medicine - Fellow

Medical Licensure

Maryland	D0054897	September 30, 2020
Oregon	MD23614	December 31, 2021

National Provider Identifier 1306801824

Federal DEA FB9241807 expiration 07/31/2023

Professional Interests

Medical Education	Acute Resuscitation
Legal Medicine	Bioethics
Patient Safety	Health Policy
Clinical Simulation	Trauma Care

Personal Interests

My Children: Mary 13 yo / Charlie 12 yo / Avery 12 yo

Fly Fishing	Travel
Snowboarding	Running

Honors

Eagle Scout Valedictorian Phi Beta Kappa

References

Donald E. Girard, MD
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